

**DuaneMorris**

DUANE MORRIS LLP  
ONE MARKET, SPEAR TOWER, SUITE 2000  
SAN FRANCISCO, CA 94105-1104  
PHONE: 415.371.2200  
FAX: 415.371.2201

**RECEIVED**  
**CENTRAL FAX CENTER**  
**FEB 10 2005**

**FACSIMILE TRANSMITTAL SHEET**

**TO:** Examiner **DAVID J. MCCROSKY**, Group Art Unit 3736

**FIRM/COMPANY:** U.S. Patent and Trademark Office

**FACSIMILE NUMBER:** 703.872.9306

**CONFIRMATION  
TELEPHONE:** 703.305-1331

**FROM:** Anne Marie Leavy for Edward J. Lynch

**DIRECT DIAL:** 415.371.2231

**DATE:** February 10, 2005

**USER NUMBER:** 5121

**FILE NUMBER:** Atty Docket No. R0367-02501, USSN 10/729,086

**TOTAL # OF PAGES:** 15  
(INCLUDING COVERSHEET)

**MESSAGE:** Attached is a *Second Preliminary Amendment* in connection with the above referenced Serial No.

**NOTE:** Original will not follow

**CONFIDENTIALITY NOTICE**

THIS FACSIMILE TRANSMISSION IS PRIVILEGED AND CONFIDENTIAL AND IS INTENDED ONLY FOR THE REVIEW OF THE PARTY TO WHOM IT IS ADDRESSED. IF YOU HAVE RECEIVED THIS TRANSMISSION IN ERROR, PLEASE IMMEDIATELY TELEPHONE THE SENDER ABOVE TO ARRANGE FOR ITS RETURN, AND IT SHALL NOT CONSTITUTE WAIVER OF THE ATTORNEY-CLIENT PRIVILEGE.

If there is a problem with this transmission, please call us as soon as possible at 415.371.2200.

SF63649.1

## PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of *Burbank et al.*For: **TISSUE ACCESSING AND ANCHORING  
DEVICE AND METHOD**

Serial No.: 10/729,086

Filed: December 5, 2003

Atty. Docket No.: R0367-02501

) Prior Application Examiner:  
D. J. McCrosky) Prior Application Group Art  
Unit: 3736TRANSMITTAL

## CERTIFICATE OF MAILING/FACSIMILE PURSUANT TO 37 C.F.R. §1.8

I hereby certify that this these papers are being sent by facsimile to (703) 872-306, addressed to Prior Application Examiner D. J. McCrosky, at Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on February 10, 2005, in San Francisco, CA.

Anne Marie Leary

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

- Transmitted herewith for filing in the above-identified patent application is an Second Preliminary Amendment.

- Claim Fee Calculation

No additional claim fee is required.

☒ Amendment increases number of claims or multiple dependencies.**Additional Claim Fee Calculation**

Description	Fee Code	Claims	Extra	Rate	Fee
Independent Claims	2201	5 - 4 =	1 x	\$100=	\$100
Total Claims	2202	41 - 30 =	11 x	\$25=	\$275

**Total Fees Due..... \$375**

- Payment of Fees

Enclosed is a check for the total fees due in the amount of \_\_\_\_\_.

☒ The Commissioner is authorized to charge any additional fees and to credit any overpayment of fees which may be required under 37 C.F.R. §1.16 or §1.17, to Deposit Account No 04-1679, referencing Atty. Docket No. R0367-02501.  
A duplicate copy of this document is enclosed.By: 

Edward J. Lynch

Registration No. 24,422

Duane Morris LLP  
One Market  
Spear Tower, Suite 2000  
San Francisco, CA 94105  
Direct Dial: (415) 371-2267  
Facsimile: (415) 371-2201  
SF69233.1

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of  
Burbank et al.

For: **TISSUE ACCESSING AND  
ANCHORING DEVICE AND METHOD**

Serial No.: 10/729,086

Filed: December 5, 2003

Atty. Docket. No.: R0367-02501

Examiner Of Parent Application:

D. J. McCrosky

Group Art Unit: 3736

**SECOND PRELIMINARY AMENDMENT****CERTIFICATE OF MAILING/FACSIMILE PURSUANT TO 37 C.F.R. §1.8**

I hereby certify that this these papers are being sent by facsimile to (703) 874-9306, addressed to Prior Application Examiner D. J. McCrosky, at Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on February 10, 2005, in San Francisco, CA.

*Anne Marie Leavy*  
Anne Marie Leavy

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Please preliminarily amend this application as indicated below: